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1
2 An act relating to sexual offenses; amending s. 92.55,
3 F.S.; authorizing orders limiting testimony in open
4 court and in depositions if the victim or witness was
5 a child under 16 years of age when a specified sexual
6 offense occurred; authorizing the court to set other
7 conditions appropriate to taking the testimony of this
8 victim or witness; amending s. 775.15, F.S.;
9 eliminating time limitations to the prosecution of
10 specified criminal offenses relating to lewd or
11 lascivious battery or molestation if the victim was
12 younger than 16 years of age at the time of the
13 offense; specifying an exception; providing
14 applicability; amending s. 794.011, F.S.; revising and
15 creating offenses involving sexual battery; increasing
16 felony degree of certain sexual battery offenses;
17 amending s. 794.0115, F.S.; imposing a 50-year minimum
18 mandatory sentence for dangerous sexual felony
19 offenders; amending s. 794.05, F.S.; revising
20 definition of the term "sexual activity;" amending s.
21 800.04, F.S.; revising and creating offenses involving
22 lewd or lascivious battery and molestation; increasing
23 felony degree of certain lewd or lascivious battery
24 and molestation offenses; amending s. 810.14, F.S.;
25 providing that voyeurism includes secretly observing
26 another person's intimate areas in which the person
27 has a reasonable expectation of privacy, when the
28 other person is located in a public or private
29 dwelling, structure, or conveyance; defining the term

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30 "intimate area"; amending s. 921.0022, F.S.; assigning
31 offense severity rankings for new lewd or lascivious
32 battery and molestation offenses and sexual battery
33 offenses; amending s. 921.0024, F.S.; providing that
34 sentence points are multiplied for specified sex
35 offenses committed by an adult upon a minor under
36 certain circumstances; amending ss. 943.0435 and
37 944.607, F.S.; conforming provisions to changes made
38 by the act; amending s. 944.275, F.S.; prohibiting
39 award of gain-time for certain offenses; amending s.
40 947.1405, F.S.; providing for tolling of conditional
41 release supervision; providing applicability; amending
42 ss. 947.1405 and 948.30, F.S.; prohibiting certain
43 conditional releasees, probationers, or community
44 controllees from viewing, accessing, owning, or
45 possessing any obscene, pornographic, or sexually
46 stimulating material; providing exceptions; amending
47 s. 948.012, F.S.; requiring split sentence for certain
48 sexual offenses; providing for tolling of probation or
49 community control; amending s. 948.31, F.S.;
50 authorizing the court to require a sexual offender or
51 sexual predator who is on probation or community
52 control to undergo an evaluation to determine whether
53 the offender or predator needs sexual offender
54 treatment; requiring the probationer or community
55 controllee to pay for the treatment; removing a
56 provision prohibiting contact with minors if sexual
57 offender treatment is recommended; providing
58 applicability; providing severability; providing an

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59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Section 92.55, Florida Statutes, is amended to
64 read:

65 92.55 Judicial or other proceedings involving victim or
66 witness under the age of 16, a ~~or~~ person who has an intellectual
67 disability, or a sexual offense victim or witness; special
68 protections; use of registered service or therapy animals.-

69 (1) For purposes of this section, the term:

70 (a) "Sexual offense victim or witness" means a person who
71 was under the age of 16 when he or she was the victim of or a
72 witness to a sexual offense.

73 (b) "Sexual offense" means any offense specified in s.
74 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

75 (2)~~(1)~~ Upon motion of any party, upon motion of a parent,
76 guardian, attorney, or guardian ad litem for a victim or witness
77 under the age of 16, a ~~or~~ person who has an intellectual
78 disability, or a sexual offense victim or witness, or upon its
79 own motion, the court may enter any order necessary to protect
80 the ~~such~~ victim or witness in any judicial proceeding or other
81 official proceeding from severe emotional or mental harm due to
82 the presence of the defendant if the victim or witness is
83 required to testify in open court. Such orders must relate to
84 the taking of testimony and include, but are not limited to:

85 (a) Interviewing or the taking of depositions as part of a
86 civil or criminal proceeding.

87 (b) Examination and cross-examination for the purpose of

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88 qualifying as a witness or testifying in any proceeding.

89 (c) The use of testimony taken outside of the courtroom,
90 including proceedings under ss. 92.53 and 92.54.

91 ~~(3)~~~~(2)~~ In ruling upon the motion, the court shall consider:

92 (a) The age of the child, the nature of the offense or act,
93 the relationship of the child to the parties in the case or to
94 the defendant in a criminal action, the degree of emotional
95 trauma that will result to the child as a consequence of the
96 defendant's presence, and any other fact that the court deems
97 relevant; ~~or~~

98 (b) The age of the person who has an intellectual
99 disability, the functional capacity of such person, the nature
100 of the offenses or act, the relationship of the person to the
101 parties in the case or to the defendant in a criminal action,
102 the degree of emotional trauma that will result to the person as
103 a consequence of the defendant's presence, and any other fact
104 that the court deems relevant; or

105 (c) The age of the sexual offense victim or witness when
106 the sexual offense occurred, the relationship of the sexual
107 offense victim or witness to the parties in the case or to the
108 defendant in a criminal action, the degree of emotional trauma
109 that will result to the sexual offense victim or witness as a
110 consequence of the defendant's presence, and any other fact that
111 the court deems relevant.

112 ~~(4)~~~~(3)~~ In addition to such other relief provided by law,
113 the court may enter orders limiting the number of times that a
114 child, ~~or~~ a person who has an intellectual disability, or a
115 sexual offense victim or witness may be interviewed, prohibiting
116 depositions of the victim or witness ~~such child or person,~~

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117 requiring the submission of questions before the examination of
118 the victim or witness ~~child or person~~, setting the place and
119 conditions for interviewing the victim or witness ~~child or~~
120 ~~person~~ or for conducting any other proceeding, or permitting or
121 prohibiting the attendance of any person at any proceeding. The
122 court shall enter any order necessary to protect the rights of
123 all parties, including the defendant in any criminal action.

124 (5) ~~(4)~~ The court may set any other conditions it finds just
125 and appropriate when taking the testimony of a child victim or
126 witness or a sexual offense victim or witness, including the use
127 of a service or therapy animal that has been evaluated and
128 registered according to national standards, in any proceeding
129 involving a sexual offense. When deciding whether to permit a
130 child victim or witness or sexual offense victim or witness to
131 testify with the assistance of a registered service or therapy
132 animal, the court shall consider the age of the child victim or
133 witness, the age of the sexual offense victim or witness at the
134 time the sexual offense occurred, the interests of the child
135 victim or witness or sexual offense victim or witness, the
136 rights of the parties to the litigation, and any other relevant
137 factor that would facilitate the testimony by the child victim
138 or witness or sexual offense victim or witness.

139 Section 2. Subsection (18) is added to section 775.15,
140 Florida Statutes, to read:

141 775.15 Time limitations; general time limitations;
142 exceptions.—

143 (18) If the offense is a violation of s. 800.04(4) or (5)
144 and the victim was under 16 years of age at the time the offense
145 was committed, a prosecution of the offense may be commenced at

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146 any time, unless, at the time of the offense, the offender is
147 less than 18 years of age and is no more than 4 years older than
148 the victim. This subsection applies to an offense that is not
149 otherwise barred from prosecution on or before October 1, 2014.

150 Section 3. Subsections (4), (5), and (6), paragraph (b) of
151 subsection (8), and subsections (9) and (10) of section 794.011,
152 Florida Statutes, are amended to read:

153 794.011 Sexual battery.—

154 (4) (a) A person 18 years of age or older who commits sexual
155 battery upon a person 12 years of age or older but younger than
156 18 years of age without that person's consent, under any of the
157 ~~following~~ circumstances listed in paragraph (e), commits a
158 felony of the first degree, punishable by a term of years not
159 exceeding life or as provided in s. 775.082, s. 775.083, s.
160 775.084, or s. 794.0115.÷

161 (b) A person 18 years of age or older who commits sexual
162 battery upon a person 18 years of age or older without that
163 person's consent, under any of the circumstances listed in
164 paragraph (e), commits a felony of the first degree, punishable
165 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
166 794.0115.

167 (c) A person younger than 18 years of age who commits
168 sexual battery upon a person 12 years of age or older without
169 that person's consent, under any of the circumstances listed in
170 paragraph (e), commits a felony of the first degree, punishable
171 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
172 794.0115.

173 (d) A person commits a felony of the first degree,
174 punishable by a term of years not exceeding life or as provided

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175 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
176 person commits sexual battery upon a person 12 years of age or
177 older without that person's consent, under any of the
178 circumstances listed in paragraph (e), and such person was
179 previously convicted of a violation of:

180 1. Section 787.01(2) or s. 787.02(2) when the violation
181 involved a victim who was a minor and, in the course of
182 committing that violation, the defendant committed against the
183 minor a sexual battery under this chapter or a lewd act under s.
184 800.04 or s. 847.0135(5);

185 2. Section 787.01(3)(a)2. or 3.;

186 3. Section 787.02(3)(a)2. or 3.;

187 4. Section 800.04;

188 5. Section 825.1025;

189 6. Section 847.0135(5); or

190 7. This chapter, excluding subsection (10) of this section.

191 (e) The following circumstances apply to paragraphs (a)-
192 (d):

193 1. ~~(a) When~~ The victim is physically helpless to resist.

194 2. ~~(b) When~~ The offender coerces the victim to submit by
195 threatening to use force or violence likely to cause serious
196 personal injury on the victim, and the victim reasonably
197 believes that the offender has the present ability to execute
198 the threat.

199 3. ~~(c) When~~ The offender coerces the victim to submit by
200 threatening to retaliate against the victim, or any other
201 person, and the victim reasonably believes that the offender has
202 the ability to execute the threat in the future.

203 4. ~~(d) When~~ The offender, without the prior knowledge or

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204 consent of the victim, administers or has knowledge of someone
205 else administering to the victim any narcotic, anesthetic, or
206 other intoxicating substance that ~~which~~ mentally or physically
207 incapacitates the victim.

208 5.(e) ~~When~~ The victim is mentally defective, and the
209 offender has reason to believe this or has actual knowledge of
210 this fact.

211 6.(f) ~~When~~ The victim is physically incapacitated.

212 7.(g) ~~When~~ The offender is a law enforcement officer,
213 correctional officer, or correctional probation officer as
214 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
215 is certified under ~~the provisions of~~ s. 943.1395 or is an
216 elected official exempt from such certification by virtue of s.
217 943.253, or any other person in a position of control or
218 authority in a probation, community control, controlled release,
219 detention, custodial, or similar setting, and such officer,
220 official, or person is acting in such a manner as to lead the
221 victim to reasonably believe that the offender is in a position
222 of control or authority as an agent or employee of government.

223 (5) (a) A person 18 years of age or older who commits sexual
224 battery upon a person 12 years of age or older but younger than
225 18 years of age, without that person's consent, and in the
226 process ~~thereof~~ does not use physical force and violence likely
227 to cause serious personal injury commits a felony of the first
228 ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083,
229 s. 775.084, or s. 794.0115.

230 (b) A person 18 years of age or older who commits sexual
231 battery upon a person 18 years of age or older, without that
232 person's consent, and in the process does not use physical force

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233 and violence likely to cause serious personal injury commits a
234 felony of the second degree, punishable as provided in s.
235 775.082, s. 775.083, s. 775.084, or s. 794.0115.

236 (c) A person younger than 18 years of age who commits
237 sexual battery upon a person 12 years of age or older, without
238 that person's consent, and in the process does not use physical
239 force and violence likely to cause serious personal injury
240 commits a felony of the second degree, punishable as provided in
241 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

242 (d) A person commits a felony of the first degree,
243 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
244 s. 794.0115 if the person commits sexual battery upon a person
245 12 years of age or older, without that person's consent, and in
246 the process does not use physical force and violence likely to
247 cause serious personal injury and the person was previously
248 convicted of a violation of:

249 1. Section 787.01(2) or s. 787.02(2) when the violation
250 involved a victim who was a minor and, in the course of
251 committing that violation, the defendant committed against the
252 minor a sexual battery under this chapter or a lewd act under s.
253 800.04 or s. 847.0135(5);

254 2. Section 787.01(3)(a)2. or 3.;

255 3. Section 787.02(3)(a)2. or 3.;

256 4. Section 800.04;

257 5. Section 825.1025;

258 6. Section 847.0135(5); or

259 7. This chapter, excluding subsection (10) of this section.

260 (6)(a) The offenses ~~offense~~ described in paragraphs (5)(a)-
261 (c) are ~~subsection (5)~~ is included in any sexual battery offense

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262 charged under subsection (3) ~~or subsection (4)~~.

263 (b) The offense described in paragraph (5) (a) is included
264 in an offense charged under paragraph (4) (a).

265 (c) The offense described in paragraph (5) (b) is included
266 in an offense charged under paragraph (4) (b).

267 (d) The offense described in paragraph (5) (c) is included
268 in an offense charged under paragraph (4) (c).

269 (e) The offense described in paragraph (5) (d) is included
270 in an offense charged under paragraph (4) (d).

271 (8) Without regard to the willingness or consent of the
272 victim, which is not a defense to prosecution under this
273 subsection, a person who is in a position of familial or
274 custodial authority to a person less than 18 years of age and
275 who:

276 (b) Engages in any act with that person while the person is
277 12 years of age or older but younger ~~less~~ than 18 years of age
278 which constitutes sexual battery under paragraph (1) (h) commits
279 a felony of the first degree, punishable by a term of years not
280 exceeding life or as provided in s. 775.082, s. 775.083, or s.
281 775.084.

282 (9) For prosecution under paragraph (4) (a), paragraph
283 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an
284 offense committed under any of the circumstances listed in
285 subparagraph (4) (e) 7. ~~paragraph (4) (e)~~, acquiescence to a person
286 reasonably believed by the victim to be in a position of
287 authority or control does not constitute consent, and it is not
288 a defense that the perpetrator was not actually in a position of
289 control or authority if the circumstances were such as to lead
290 the victim to reasonably believe that the person was in such a

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291 position.

292 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
293 in subparagraph (4)(e)7. ~~paragraph (4)(g)~~ or other person in a
294 position of control or authority as an agent or employee of
295 government of violating paragraph (4)(a), paragraph (4)(b),
296 paragraph (4)(c), or paragraph (4)(d) commits ~~(4)(g) is guilty~~
297 ~~of~~ a felony of the third degree, punishable as provided in s.
298 775.082, s. 775.083, or s. 775.084.

299 Section 4. Subsection (2) of section 794.0115, Florida
300 Statutes, is amended to read:

301 794.0115 Dangerous sexual felony offender; mandatory
302 sentencing.—

303 (2) Any person who is convicted of a violation of s.
304 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
305 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
306 (4); or s. 847.0145; or of any similar offense under a former
307 designation, which offense the person committed when he or she
308 was 18 years of age or older, and the person:

309 (a) Caused serious personal injury to the victim as a
310 result of the commission of the offense;

311 (b) Used or threatened to use a deadly weapon during the
312 commission of the offense;

313 (c) Victimized more than one person during the course of
314 the criminal episode applicable to the offense;

315 (d) Committed the offense while under the jurisdiction of a
316 court for a felony offense under the laws of this state, for an
317 offense that is a felony in another jurisdiction, or for an
318 offense that would be a felony if that offense were committed in
319 this state; or

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320 (e) Has previously been convicted of a violation of s.
321 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
322 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
323 (4); s. 847.0145; of any offense under a former statutory
324 designation which is similar in elements to an offense described
325 in this paragraph; or of any offense that is a felony in another
326 jurisdiction, or would be a felony if that offense were
327 committed in this state, and which is similar in elements to an
328 offense described in this paragraph,

329
330 is a dangerous sexual felony offender, who must be sentenced to
331 a mandatory minimum term of 25 years imprisonment up to, and
332 including, life imprisonment. If the offense described in this
333 subsection was committed on or after October 1, 2014, a person
334 who qualifies as a dangerous sexual felony offender pursuant to
335 this subsection must be sentenced to a mandatory minimum term of
336 50 years imprisonment up to, and including, life imprisonment.

337 Section 5. Subsection (1) of section 794.05, Florida
338 Statutes, is amended to read:

339 794.05 Unlawful sexual activity with certain minors.—

340 (1) A person 24 years of age or older who engages in sexual
341 activity with a person 16 or 17 years of age commits a felony of
342 the second degree, punishable as provided in s. 775.082, s.
343 775.083, or s. 775.084. As used in this section, "sexual
344 activity" means oral, anal, or vaginal penetration by, or union
345 with, the sexual organ of another or the anal or vaginal
346 penetration of another by any other object; however, sexual
347 activity does not include an act done for a bona fide medical
348 purpose.

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349 Section 6. Subsections (4) and (5) of section 800.04,
350 Florida Statutes, are amended to read:

351 800.04 Lewd or lascivious offenses committed upon or in the
352 presence of persons less than 16 years of age.—

353 (4) LEWD OR LASCIVIOUS BATTERY.—~~A person who:~~

354 (a) A person commits lewd or lascivious battery by:

355 1. Engaging in sexual activity with a person 12 years of
356 age or older but less than 16 years of age; or

357 2. Encouraging, forcing, or enticing any person less than
358 16 years of age to engage in sadomasochistic abuse, sexual
359 bestiality, prostitution, or any other act involving sexual
360 activity.

361 (b) Except as provided in paragraph (c), an offender who
362 commits lewd or lascivious battery commits a felony of the
363 second degree, punishable as provided in s. 775.082, s. 775.083,
364 or s. 775.084.

365 (c) A person commits a felony of the first degree,
366 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
367 if the person is an offender 18 years of age or older who
368 commits lewd or lascivious battery and was previously convicted
369 of a violation of:

370 1. Section 787.01(2) or s. 787.02(2) when the violation
371 involved a victim who was a minor and, in the course of
372 committing that violation, the defendant committed against the
373 minor a sexual battery under chapter 794 or a lewd act under
374 this section or s. 847.0135(5);

375 2. Section 787.01(3) (a)2. or 3.;

376 3. Section 787.02(3) (a)2. or 3.;

377 4. Chapter 794, excluding s. 794.011(10);

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378 5. Section 825.1025;

379 6. Section 847.0135(5); or

380 7. This section.

381 ~~(a) Engages in sexual activity with a person 12 years of~~
382 ~~age or older but less than 16 years of age; or~~

383 ~~(b) Encourages, forces, or entices any person less than 16~~
384 ~~years of age to engage in sadomasochistic abuse, sexual~~
385 ~~bestiality, prostitution, or any other act involving sexual~~
386 ~~activity~~

387
388 ~~commits lewd or lascivious battery, a felony of the second~~
389 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
390 ~~775.084.~~

391 (5) LEWD OR LASCIVIOUS MOLESTATION.—

392 (a) A person who intentionally touches in a lewd or
393 lascivious manner the breasts, genitals, genital area, or
394 buttocks, or the clothing covering them, of a person less than
395 16 years of age, or forces or entices a person under 16 years of
396 age to so touch the perpetrator, commits lewd or lascivious
397 molestation.

398 (b) An offender 18 years of age or older who commits lewd
399 or lascivious molestation against a victim less than 12 years of
400 age commits a life felony, punishable as provided in s.
401 775.082(3)(a)4.

402 (c)1. An offender less than 18 years of age who commits
403 lewd or lascivious molestation against a victim less than 12
404 years of age; or

405 2. An offender 18 years of age or older who commits lewd or
406 lascivious molestation against a victim 12 years of age or older

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407 but less than 16 years of age

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409 commits a felony of the second degree, punishable as provided in
410 s. 775.082, s. 775.083, or s. 775.084.

411 (d) An offender less than 18 years of age who commits lewd
412 or lascivious molestation against a victim 12 years of age or
413 older but less than 16 years of age commits a felony of the
414 third degree, punishable as provided in s. 775.082, s. 775.083,
415 or s. 775.084.

416 (e) A person commits a felony of the first degree,
417 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
418 if the person is 18 years of age or older and commits lewd or
419 lascivious molestation against a victim 12 years of age or older
420 but less than 16 years of age and the person was previously
421 convicted of a violation of:

422 1. Section 787.01(2) or s. 787.02(2) when the violation
423 involved a victim who was a minor and, in the course of
424 committing the violation, the defendant committed against the
425 minor a sexual battery under chapter 794 or a lewd act under
426 this section or s. 847.0135(5);

427 2. Section 787.01(3) (a)2. or 3.;

428 3. Section 787.02(3) (a)2. or 3.;

429 4. Chapter 794, excluding s. 794.011(10);

430 5. Section 825.1025;

431 6. Section 847.0135(5); or

432 7. This section.

433 Section 7. Subsection (1) of section 810.14, Florida
434 Statutes, is amended to read:

435 810.14 Voyeurism prohibited; penalties.—

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436 (1) A person commits the offense of voyeurism when he or
437 she, with lewd, lascivious, or indecent intent:7

438 (a) Secretly observes another person when the other person
439 is located in a dwelling, structure, or conveyance and such
440 location provides a reasonable expectation of privacy.

441 (b) Secretly observes another person's intimate areas in
442 which the person has a reasonable expectation of privacy, when
443 the other person is located in a public or private dwelling,
444 structure, or conveyance. As used in this paragraph, the term
445 "intimate area" means any portion of a person's body or
446 undergarments that is covered by clothing and intended to be
447 protected from public view.

448 Section 8. Paragraphs (g) through (i) of subsection (3) of
449 section 921.0022, Florida Statutes, are amended to read:

450 921.0022 Criminal Punishment Code; offense severity ranking
451 chart.—

452 (3) OFFENSE SEVERITY RANKING CHART

453 (g) LEVEL 7

454

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|---|
| 316.027(1)(b) | 1st | Accident involving death, failure to stop; leaving scene. |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |

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|-----|-------------------------|-----|--|
| 458 | 316.1935 (3) (b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 459 | 327.35 (3) (c) 2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 460 | 402.319 (2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 461 | 409.920 (2) (b) 1.a. | 3rd | Medicaid provider fraud; \$10,000 or less. |
| 462 | 409.920 (2) (b) 1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. |
| | 456.065 (2) | 3rd | Practicing a health care |

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| | | | |
|-----|-------------|-----|---|
| | | | profession without a license. |
| 463 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 464 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 465 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 466 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 467 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 468 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 469 | 463.015 (1) | 3rd | Practicing optometry without a license. |
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|-----|-----------------|-----|---|
| 471 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 472 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 473 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 474 | 467.201 | 3rd | Practicing midwifery without a license. |
| 475 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 476 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 477 | 483.901 (9) | 3rd | Practicing medical physics without a license. |
| 478 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| | 484.053 | 3rd | Dispensing hearing aids |

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without a license.

479

494.0018(2)

1st

Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

480

560.123(8)(b)1.

3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

481

560.125(5)(a)

3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

482

655.50(10)(b)1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

483

775.21(10)(a)

3rd

Sexual predator; failure

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to register; failure to
renew driver ~~driver's~~
license or identification
card; other registration
violations.

484

775.21(10)(b)

3rd

Sexual predator working
where children regularly
congregate.

485

775.21(10)(g)

3rd

Failure to report or
providing false
information about a sexual
predator; harbor or
conceal a sexual predator.

486

782.051(3)

2nd

Attempted felony murder of
a person by a person other
than the perpetrator or
the perpetrator of an
attempted felony.

487

782.07(1)

2nd

Killing of a human being
by the act, procurement,
or culpable negligence of
another (manslaughter).

488

782.071

2nd

Killing of a human being
or viable fetus by the

2014526er

| | | | |
|-----|--------------------|-----|---|
| | | | operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 489 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 490 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 491 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 492 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 493 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 494 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 495 | | | |

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| | | | |
|-----|-----------------|-----|---|
| 496 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 497 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 498 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 499 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
| 500 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 501 | 784.083 (1) | 1st | Aggravated battery on code inspector. |
| 502 | 787.06 (3) (a) | 1st | Human trafficking using coercion for labor and services. |
| | 787.06 (3) (e) | 1st | Human trafficking using coercion for labor and services by the transfer |

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or transport of any individual from outside Florida to within the state.

503

790.07(4)

1st

Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

504

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

505

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

506

790.165(3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

507

790.166(3)

2nd

Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

508

2014526er

| | | | |
|-----|----------------|---------|--|
| 509 | 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 510 | 790.23 | 1st,PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 511 | 794.08(4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 512 | 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 513 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim <u>younger</u> less than 12 years of age; offender <u>younger</u> less than 18 years. |
| | 800.04(5)(c)2. | 2nd | Lewd or lascivious |

2014526er

molestation; victim 12
years of age or older but
younger ~~less~~ than 16
years; offender 18 years
or older.

514

800.04 (5) (e)

1st

Lewd or lascivious
molestation; victim 12
years of age or older but
younger than 16 years;
offender 18 years or
older; prior conviction
for specified sex offense.

515

806.01 (2)

2nd

Maliciously damage
structure by fire or
explosive.

516

810.02 (3) (a)

2nd

Burglary of occupied
dwelling; unarmed; no
assault or battery.

517

810.02 (3) (b)

2nd

Burglary of unoccupied
dwelling; unarmed; no
assault or battery.

518

810.02 (3) (d)

2nd

Burglary of occupied
conveyance; unarmed; no
assault or battery.

2014526er

| | | | |
|-----|--------------------|-----|---|
| 519 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 520 | 812.014 (2) (a) 1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 521 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 522 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 523 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 524 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 |

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| | | | |
|-----|--------------------|-----|--|
| | | | or more. |
| 525 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 526 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 527 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 528 | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| 529 | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 530 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 531 | 817.234 (11) (c) | 1st | Insurance fraud; property |

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value \$100,000 or more.

532

817.2341
(2) (b) & (3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

533

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

534

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

535

825.103 (2) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

536

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or

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537

disfigurement.

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

538

837.05 (2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

539

838.015

2nd

Bribery.

540

838.016

2nd

Unlawful compensation or reward for official behavior.

541

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

542

838.22

2nd

Bid tampering.

543

843.0855 (2)

3rd

Impersonation of a public officer or employee.

544

843.0855 (3)

3rd

Unlawful simulation of legal process.

545

2014526er

| | | | |
|-----|-------------------|----------|--|
| 546 | 843.0855 (4) | 3rd | Intimidation of a public officer or employee. |
| 547 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 548 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 549 | 872.06 | 2nd | Abuse of a dead human body. |
| 550 | 874.05 (2) (b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. |
| 551 | 874.10 | 1st, PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| | 893.13 (1) (c) 1. | 1st | Sell, manufacture, or deliver cocaine (or other |

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drug prohibited under s.
893.03(1) (a), (1) (b),
(1) (d), (2) (a), (2) (b), or
(2) (c) 4.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

552

893.13(1) (e) 1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1) (a), (1) (b),
(1) (d), (2) (a), (2) (b), or
(2) (c) 4., within 1,000
feet of property used for
religious services or a
specified business site.

553

893.13(4) (a)

1st

Deliver to minor cocaine
(or other s. 893.03(1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c) 4.
drugs).

554

893.135(1) (a) 1.

1st

Trafficking in cannabis,

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| | | | |
|-----|-------------------------|-----|--|
| 555 | | | more than 25 lbs., less than 2,000 lbs. |
| | 893.135 (1) (b) 1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 556 | | | |
| | 893.135 (1) (c) 1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 557 | | | |
| | 893.135 (1) (d) 1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 558 | | | |
| | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 559 | | | |
| | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 560 | | | |
| | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 561 | | | |

2014526er

| | | | |
|-----|-------------------------|-----|--|
| 562 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 563 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 564 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 565 | 893.1351 (2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 566 | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions |

2014526er

exceeding \$300 but less
than \$20,000.

567

943.0435 (4) (c)

2nd

Sexual offender vacating
permanent residence;
failure to comply with
reporting requirements.

568

943.0435 (8)

2nd

Sexual offender; remains
in state after indicating
intent to leave; failure
to comply with reporting
requirements.

569

943.0435 (9) (a)

3rd

Sexual offender; failure
to comply with reporting
requirements.

570

943.0435 (13)

3rd

Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

571

943.0435 (14)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification.

572

2014526er

| | | | |
|-----|----------------|-----|--|
| 573 | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 574 | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 575 | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 576 | 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 577 | 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 578 | 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |

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985.4815 (13) 3rd Sexual offender; failure
to report and reregister;
failure to respond to
address verification.

579

580

581 (h) LEVEL 8

582

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|-------------|
|--------------------|------------------|-------------|

583

| | | |
|-------------------------|-----|-------------------|
| 316.193 (3) (c) 3.a. | 2nd | DUI manslaughter. |
|-------------------------|-----|-------------------|

584

| | | |
|------------------|-----|---|
| 316.1935 (4) (b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
|------------------|-----|---|

585

| | | |
|-------------------|-----|--------------------------|
| 327.35 (3) (c) 3. | 2nd | Vessel BUI manslaughter. |
|-------------------|-----|--------------------------|

586

| | | |
|--------------|-----|---|
| 499.0051 (7) | 1st | Knowing trafficking in contraband prescription drugs. |
|--------------|-----|---|

587

| | | |
|--------------|-----|---|
| 499.0051 (8) | 1st | Knowing forgery of prescription labels or prescription drug labels. |
|--------------|-----|---|

588

2014526er

| | | | |
|-----|--------------------|-----|---|
| 589 | 560.123 (8) (b) 2. | 2nd | Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter. |
| 590 | 560.125 (5) (b) | 2nd | Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000. |
| 591 | 655.50 (10) (b) 2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. |
| 592 | 777.03 (2) (a) | 1st | Accessory after the fact, capital felony. |
| | 782.04 (4) | 2nd | Killing of human without design when engaged in act or attempt of any felony other than arson, |

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sexual battery, robbery,
burglary, kidnapping,
aggravated fleeing or
eluding with serious
bodily injury or death,
aircraft piracy, or
unlawfully discharging
bomb.

593

782.051 (2)

1st

Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony not enumerated
in s. 782.04(3).

594

782.071 (1) (b)

1st

Committing vehicular
homicide and failing to
render aid or give
information.

595

782.072 (2)

1st

Committing vessel
homicide and failing to
render aid or give
information.

596

787.06 (3) (b)

1st

Human trafficking using
coercion for commercial
sexual activity.

597

2014526er

| | | | |
|-----|------------------------|------------|--|
| 598 | 787.06 (3) (c) | 1st | Human trafficking using coercion for labor and services of an unauthorized alien. |
| 599 | 787.06 (3) (f) | 1st | Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state. |
| 600 | 790.161 (3) | 1st | Discharging a destructive device which results in bodily harm or property damage. |
| 601 | <u>794.011 (5) (a)</u> | <u>1st</u> | <u>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.</u> |
| | <u>794.011 (5) (b)</u> | <u>2nd</u> | <u>Sexual battery; victim and offender 18 years of age or older; offender</u> |

2014526er

| | | | |
|-----|------------------------|----------------|--|
| 602 | <u>794.011 (5) (c)</u> | <u>2nd</u> | <u>does not use physical force likely to cause serious injury.</u> |
| 603 | <u>794.011 (5) (d)</u> | <u>1st</u> | <u>Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.</u> |
| 604 | 794.011 (5) | 2nd | Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury. |
| 605 | 794.08 (3) | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this |

2014526er

| | | | |
|-----|-----------------------|------------|---|
| | | | state. |
| 606 | <u>800.04 (4) (b)</u> | <u>2nd</u> | <u>Lewd or lascivious battery.</u> |
| 607 | <u>800.04 (4) (c)</u> | <u>1st</u> | <u>Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.</u> |
| 608 | 800.04 (4) | <u>2nd</u> | Lewd or lascivious battery. |
| 609 | 806.01 (1) | 1st | Maliciously damage dwelling or structure by fire or explosive, believing person in structure. |
| 610 | 810.02 (2) (a) | 1st, PBL | Burglary with assault or battery. |
| 611 | 810.02 (2) (b) | 1st, PBL | Burglary; armed with explosives or dangerous weapon. |
| 612 | 810.02 (2) (c) | 1st | Burglary of a dwelling or structure causing |

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613

structural damage or
\$1,000 or more property
damage.

812.014 (2) (a) 2.

1st

Property stolen; cargo
valued at \$50,000 or
more, grand theft in 1st
degree.

614

812.13 (2) (b)

1st

Robbery with a weapon.

615

812.135 (2) (c)

1st

Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

616

817.535 (2) (b)

2nd

Filing false lien or
other unauthorized
document; second or
subsequent offense.

617

817.535 (3) (a)

2nd

Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

618

817.535 (4) (a) 1.

2nd

Filing false lien or
other unauthorized
document; defendant is

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| | | | |
|-----|-----------------|-----|--|
| 619 | 817.535 (5) (a) | 2nd | incarcerated or under supervision. |
| 620 | 817.568 (6) | 2nd | Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument. |
| 621 | 825.102 (2) | 1st | Fraudulent use of personal identification information of an individual under the age of 18. |
| 622 | 825.1025 (2) | 2nd | Aggravated abuse of an elderly person or disabled adult. |
| 623 | 825.103 (2) (a) | 1st | Lewd or lascivious battery upon an elderly person or disabled adult. |
| 624 | | | Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more. |

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| | | | |
|-----|-----------------|-----|--|
| 625 | 837.02 (2) | 2nd | Perjury in official proceedings relating to prosecution of a capital felony. |
| 626 | 837.021 (2) | 2nd | Making contradictory statements in official proceedings relating to prosecution of a capital felony. |
| 627 | 860.121 (2) (c) | 1st | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm. |
| 628 | 860.16 | 1st | Aircraft piracy. |
| 629 | 893.13 (1) (b) | 1st | Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b). |
| 630 | 893.13 (2) (b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b). |

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| | | | |
|-----|-------------------|-----|---|
| 631 | 893.13(6)(c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 632 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs. |
| 633 | 893.135(1)(b)1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 634 | 893.135(1)(c)1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |
| 635 | 893.135(1)(d)1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than 400 grams. |
| 636 | 893.135(1)(e)1.b. | 1st | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. |
| | 893.135 | 1st | Trafficking in |

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| | | | |
|-----|--------------|-----|---|
| 637 | (1) (f) 1.b. | | amphetamine, more than 28 grams, less than 200 grams. |
| | 893.135 | 1st | Trafficking in |
| | (1) (g) 1.b. | | flunitrazepam, 14 grams or more, less than 28 grams. |
| 638 | 893.135 | 1st | Trafficking in gamma- |
| | (1) (h) 1.b. | | hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. |
| 639 | 893.135 | 1st | Trafficking in 1,4- |
| | (1) (j) 1.b. | | Butanediol, 5 kilograms or more, less than 10 kilograms. |
| 640 | 893.135 | 1st | Trafficking in |
| | (1) (k) 2.b. | | Phenethylamines, 200 grams or more, less than 400 grams. |
| 641 | 893.1351 (3) | 1st | Possession of a place used to manufacture controlled substance when minor is present or |

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resides there.

642

895.03 (1) 1st Use or invest proceeds
derived from pattern of
racketeering activity.

643

895.03 (2) 1st Acquire or maintain
through racketeering
activity any interest in
or control of any
enterprise or real
property.

644

895.03 (3) 1st Conduct or participate in
any enterprise through
pattern of racketeering
activity.

645

896.101 (5) (b) 2nd Money laundering,
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000.

646

896.104 (4) (a) 2. 2nd Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or

2014526er

exceeding \$20,000 but
less than \$100,000.

647

648

649 (i) LEVEL 9

650

Florida
Statute

Felony
Degree

Description

651

316.193
(3) (c) 3.b.

1st

DUI manslaughter;
failing to render aid or
give information.

652

327.35 (3) (c) 3.b.

1st

BUI manslaughter;
failing to render aid or
give information.

653

409.920
(2) (b) 1.c.

1st

Medicaid provider fraud;
\$50,000 or more.

654

499.0051 (9)

1st

Knowing sale or purchase
of contraband
prescription drugs
resulting in great
bodily harm.

655

560.123 (8) (b) 3.

1st

Failure to report
currency or payment
instruments totaling or

2014526er

| | | | |
|-----|--------------------|----------|---|
| 656 | 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 657 | 655.50 (10) (b) 3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 658 | 775.0844 | 1st | Aggravated white collar crime. |
| 659 | 782.04 (1) | 1st | Attempt, conspire, or solicit to commit premeditated murder. |
| 660 | 782.04 (3) | 1st, PBL | Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or |

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death, and other
specified felonies.

661 782.051 (1) 1st Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony enumerated in
s. 782.04 (3).

662 782.07 (2) 1st Aggravated manslaughter
of an elderly person or
disabled adult.

663 787.01 (1) (a) 1. 1st, PBL Kidnapping; hold for
ransom or reward or as a
shield or hostage.

664 787.01 (1) (a) 2. 1st, PBL Kidnapping with intent
to commit or facilitate
commission of any
felony.

665 787.01 (1) (a) 4. 1st, PBL Kidnapping with intent
to interfere with
performance of any
governmental or
political function.

666 787.02 (3) (a) 1st False imprisonment;

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child under age 13;
perpetrator also commits
aggravated child abuse,
sexual battery, or lewd
or lascivious battery,
molestation, conduct, or
exhibition.

667

787.06(3)(d)

1st

Human trafficking using
coercion for commercial
sexual activity of an
unauthorized alien.

668

787.06(3)(g)

1st,PBL

Human trafficking for
commercial sexual
activity of a child
under the age of 18.

669

787.06(4)

1st

Selling or buying of
minors into human
trafficking.

670

790.161

1st

Attempted capital
destructive device
offense.

671

790.166(2)

1st,PBL

Possessing, selling,
using, or attempting to
use a weapon of mass

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destruction.

672

794.011 (2) 1st Attempted sexual
battery; victim less
than 12 years of age.

673

794.011 (2) Life Sexual battery; offender
younger than 18 years
and commits sexual
battery on a person less
than 12 years.

674

794.011 (4) (a) 1st, PBL Sexual battery, certain
circumstances; victim 12
years of age or older
but younger than 18
years; offender 18 years
or older.

675

794.011 (4) (b) 1st Sexual battery, certain
circumstances; victim
and offender 18 years of
age or older.

676

794.011 (4) (c) 1st Sexual battery, certain
circumstances; victim 12
years of age or older;
offender younger than 18
years.

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| | | | |
|-----|------------------------|-----------------|---|
| 677 | <u>794.011 (4) (d)</u> | <u>1st, PBL</u> | <u>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</u> |
| 678 | 794.011 (4) | 1st | Sexual battery; victim 12 years or older, certain circumstances. |
| 679 | 794.011 (8) (b) | 1st, <u>PBL</u> | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 680 | 794.08 (2) | 1st | Female genital mutilation; victim younger than 18 years of age. |
| 681 | 796.035 | 1st | Selling or buying of minors into prostitution. |
| 682 | 800.04 (5) (b) | Life | Lewd or lascivious molestation; victim less than 12 years; offender |

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18 years or older.

683

812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly weapon.

684

812.133 (2) (a) 1st,PBL Carjacking; firearm or other deadly weapon.

685

812.135 (2) (b) 1st Home-invasion robbery with weapon.

686

817.535 (3) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

687

817.535 (4) (a) 2. 1st Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

688

817.535 (5) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense;

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owner of the property
incurs financial loss as
a result of the false
instrument.

689

817.568 (7)

2nd,
PBL

Fraudulent use of
personal identification
information of an
individual under the age
of 18 by his or her
parent, legal guardian,
or person exercising
custodial authority.

690

827.03 (2) (a)

1st

Aggravated child abuse.

691

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

692

847.0145 (2)

1st

Purchasing, or otherwise
obtaining custody or
control, of a minor.

693

859.01

1st

Poisoning or introducing
bacteria, radioactive
materials, viruses, or
chemical compounds into
food, drink, medicine,

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| | | | |
|-----|-------------------------|-----|--|
| | | | or water with intent to kill or injure another person. |
| 694 | 893.135 | 1st | Attempted capital trafficking offense. |
| 695 | 893.135 (1) (a) 3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 696 | 893.135 (1) (b) 1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 697 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 698 | 893.135 (1) (d) 1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 699 | 893.135 (1) (e) 1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 700 | 893.135 (1) (f) 1.c. | 1st | Trafficking in amphetamine, more than |

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200 grams.

701

893.135
(1) (h) 1.c.

1st

Trafficking in gamma-
hydroxybutyric acid
(GHB), 10 kilograms or
more.

702

893.135
(1) (j) 1.c.

1st

Trafficking in 1,4-
Butanediol, 10 kilograms
or more.

703

893.135
(1) (k) 2.c.

1st

Trafficking in
Phenethylamines, 400
grams or more.

704

896.101 (5) (c)

1st

Money laundering,
financial instruments
totaling or exceeding
\$100,000.

705

896.104 (4) (a) 3.

1st

Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

706

707

708

Section 9. Section 921.0024, Florida Statutes, is amended

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709 to read:
710 921.0024 Criminal Punishment Code; worksheet computations;
711 scoresheets.-

712 (1) (a) The Criminal Punishment Code worksheet is used to
713 compute the subtotal and total sentence points as follows:

714 FLORIDA CRIMINAL PUNISHMENT CODE

715 WORKSHEET

716 OFFENSE SCORE

717 Primary Offense

| 720 Level | Sentence Points | | Total |
|-----------|-----------------|---|-------|
| 721 10 | 116 | = | |
| 722 9 | 92 | = | |
| 723 8 | 74 | = | |
| 724 7 | 56 | = | |
| 725 6 | 36 | = | |
| 726 5 | 28 | = | |
| 727 4 | 22 | = | |

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| | | | | |
|-----|---|----|---|-------|
| 729 | 3 | 16 | = | |
| 730 | 2 | 10 | = | |
| 731 | 1 | 4 | = | |

Total

Additional Offenses

| 736 | Level | Sentence Points | | Counts | | Total |
|-----|-------|-----------------|---|--------|---|-------|
| 737 | 10 | 58 | x | | = | |
| 738 | 9 | 46 | x | | = | |
| 739 | 8 | 37 | x | | = | |
| 740 | 7 | 28 | x | | = | |
| 741 | 6 | 18 | x | | = | |
| 742 | 5 | 5.4 | x | | = | |
| 743 | 4 | 3.6 | x | | = | |

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| | | | | | | |
|-----|---|-----|---|------|---|-------|
| 744 | 3 | 2.4 | x | | = | |
| 745 | 2 | 1.2 | x | | = | |
| 746 | 1 | 0.7 | x | | = | |
| 747 | M | 0.2 | x | | = | |
| 748 | | | | | | |
| 749 | | | | | | Total |

Victim Injury

| 753 | Level | Sentence Points | | Number | | Total |
|-----|-----------------------|--------------------|---|--------|---|-------|
| 754 | 2nd degree murder- | | | | | |
| 755 | death | 240 | x | | = | |
| 756 | Death | 120 | x | | = | |
| 757 | Severe | 40 | x | | = | |
| | Moderate | 18 | x | | = | |

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| | | | | | | |
|-----|-------------|----|---|------|---|------|
| 758 | Slight | 4 | x | | = | |
| 759 | Sexual | | | | | |
| | penetration | 80 | x | | = | |
| 760 | Sexual | | | | | |
| | contact | 40 | x | | = | |

Total

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

| Level | Sentence Points | | Number | | Total |
|-------|-----------------|---|--------|---|-------|
| 10 | 29 | x | | = | |
| 9 | 23 | x | | = | |
| 8 | 19 | x | | = | |

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| | | | | | | |
|-----|---|--------------------------------------|---|------|---|-------|
| 775 | 7 | 14 | x | | = | |
| 776 | 6 | 9 | x | | = | |
| 777 | 5 | 3.6 | x | | = | |
| 778 | 4 | 2.4 | x | | = | |
| 779 | 3 | 1.6 | x | | = | |
| 780 | 2 | 0.8 | x | | = | |
| 781 | 1 | 0.5 | x | | = | |
| 782 | M | 0.2 | x | | = | |
| 783 | | | | | | |
| 784 | | | | | | Total |
| 785 | | | | | | |
| 786 | | TOTAL OFFENSE SCORE..... | | | | |
| 787 | | TOTAL PRIOR RECORD SCORE..... | | | | |
| 788 | | | | | | |
| 789 | | LEGAL STATUS..... | | | | |
| 790 | | COMMUNITY SANCTION VIOLATION..... | | | | |
| 791 | | PRIOR SERIOUS FELONY..... | | | | |
| 792 | | PRIOR CAPITAL FELONY..... | | | | |
| 793 | | FIREARM OR SEMIAUTOMATIC WEAPON..... | | | | |

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794 SUBTOTAL.....
795
796 PRISON RELEASEE REOFFENDER (no) (yes).....
797 VIOLENT CAREER CRIMINAL (no) (yes).....
798 HABITUAL VIOLENT OFFENDER (no) (yes).....
799 HABITUAL OFFENDER (no) (yes).....
800 DRUG TRAFFICKER (no) (yes) (x multiplier).....
801 LAW ENF. PROTECT. (no) (yes) (x multiplier).....
802 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....
803 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....
804 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
805 (x multiplier).....
806 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....
807
808 TOTAL SENTENCE POINTS.....

809
810 (b) WORKSHEET KEY:

811
812 Legal status points are assessed when any form of legal status
813 existed at the time the offender committed an offense before the
814 court for sentencing. Four (4) sentence points are assessed for
815 an offender's legal status.

816
817 Community sanction violation points are assessed when a
818 community sanction violation is before the court for sentencing.
819 Six (6) sentence points are assessed for each community sanction
820 violation and each successive community sanction violation,
821 unless any of the following apply:

- 822 1. If the community sanction violation includes a new

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823 felony conviction before the sentencing court, twelve (12)
824 community sanction violation points are assessed for the
825 violation, and for each successive community sanction violation
826 involving a new felony conviction.

827 2. If the community sanction violation is committed by a
828 violent felony offender of special concern as defined in s.
829 948.06:

830 a. Twelve (12) community sanction violation points are
831 assessed for the violation and for each successive violation of
832 felony probation or community control where:

833 I. The violation does not include a new felony conviction;
834 and

835 II. The community sanction violation is not based solely on
836 the probationer or offender's failure to pay costs or fines or
837 make restitution payments.

838 b. Twenty-four (24) community sanction violation points are
839 assessed for the violation and for each successive violation of
840 felony probation or community control where the violation
841 includes a new felony conviction.

842
843 Multiple counts of community sanction violations before the
844 sentencing court shall not be a basis for multiplying the
845 assessment of community sanction violation points.

846
847 Prior serious felony points: If the offender has a primary
848 offense or any additional offense ranked in level 8, level 9, or
849 level 10, and one or more prior serious felonies, a single
850 assessment of thirty (30) points shall be added. For purposes of
851 this section, a prior serious felony is an offense in the

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852 offender's prior record that is ranked in level 8, level 9, or
853 level 10 under s. 921.0022 or s. 921.0023 and for which the
854 offender is serving a sentence of confinement, supervision, or
855 other sanction or for which the offender's date of release from
856 confinement, supervision, or other sanction, whichever is later,
857 is within 3 years before the date the primary offense or any
858 additional offense was committed.

859

860 Prior capital felony points: If the offender has one or more
861 prior capital felonies in the offender's criminal record, points
862 shall be added to the subtotal sentence points of the offender
863 equal to twice the number of points the offender receives for
864 the primary offense and any additional offense. A prior capital
865 felony in the offender's criminal record is a previous capital
866 felony offense for which the offender has entered a plea of nolo
867 contendere or guilty or has been found guilty; or a felony in
868 another jurisdiction which is a capital felony in that
869 jurisdiction, or would be a capital felony if the offense were
870 committed in this state.

871

872 Possession of a firearm, semiautomatic firearm, or machine gun:
873 If the offender is convicted of committing or attempting to
874 commit any felony other than those enumerated in s. 775.087(2)
875 while having in his or her possession: a firearm as defined in
876 s. 790.001(6), an additional eighteen (18) sentence points are
877 assessed; or if the offender is convicted of committing or
878 attempting to commit any felony other than those enumerated in
879 s. 775.087(3) while having in his or her possession a
880 semiautomatic firearm as defined in s. 775.087(3) or a machine

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881 gun as defined in s. 790.001(9), an additional twenty-five (25)
882 sentence points are assessed.

883

884 Sentencing multipliers:

885

886 Drug trafficking: If the primary offense is drug trafficking
887 under s. 893.135, the subtotal sentence points are multiplied,
888 at the discretion of the court, for a level 7 or level 8
889 offense, by 1.5. The state attorney may move the sentencing
890 court to reduce or suspend the sentence of a person convicted of
891 a level 7 or level 8 offense, if the offender provides
892 substantial assistance as described in s. 893.135(4).

893

894 Law enforcement protection: If the primary offense is a
895 violation of the Law Enforcement Protection Act under s.
896 775.0823(2), (3), or (4), the subtotal sentence points are
897 multiplied by 2.5. If the primary offense is a violation of s.
898 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
899 are multiplied by 2.0. If the primary offense is a violation of
900 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
901 Protection Act under s. 775.0823(10) or (11), the subtotal
902 sentence points are multiplied by 1.5.

903

904 Grand theft of a motor vehicle: If the primary offense is grand
905 theft of the third degree involving a motor vehicle and in the
906 offender's prior record, there are three or more grand thefts of
907 the third degree involving a motor vehicle, the subtotal
908 sentence points are multiplied by 1.5.

909

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910 Offense related to a criminal gang: If the offender is convicted
911 of the primary offense and committed that offense for the
912 purpose of benefiting, promoting, or furthering the interests of
913 a criminal gang as defined in s. 874.03, the subtotal sentence
914 points are multiplied by 1.5. If applying the multiplier results
915 in the lowest permissible sentence exceeding the statutory
916 maximum sentence for the primary offense under chapter 775, the
917 court may not apply the multiplier and must sentence the
918 defendant to the statutory maximum sentence.

919

920 Domestic violence in the presence of a child: If the offender is
921 convicted of the primary offense and the primary offense is a
922 crime of domestic violence, as defined in s. 741.28, which was
923 committed in the presence of a child under 16 years of age who
924 is a family or household member as defined in s. 741.28(3) with
925 the victim or perpetrator, the subtotal sentence points are
926 multiplied by 1.5.

927

928 Adult-on-minor sex offense: If the offender was 18 years of age
929 or older and the victim was younger than 18 years of age at the
930 time the offender committed the primary offense, and if the
931 primary offense was an offense committed on or after October 1,
932 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
933 violation involved a victim who was a minor and, in the course
934 of committing that violation, the defendant committed a sexual
935 battery under chapter 794 or a lewd act under s. 800.04 or s.
936 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
937 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
938 800.04; or s. 847.0135(5), the subtotal sentence points are

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939 multiplied by 2.0. If applying the multiplier results in the
940 lowest permissible sentence exceeding the statutory maximum
941 sentence for the primary offense under chapter 775, the court
942 may not apply the multiplier and must sentence the defendant to
943 the statutory maximum sentence.

944 (2) The lowest permissible sentence is the minimum sentence
945 that may be imposed by the trial court, absent a valid reason
946 for departure. The lowest permissible sentence is any nonstate
947 prison sanction in which the total sentence points equals or is
948 less than 44 points, unless the court determines within its
949 discretion that a prison sentence, which may be up to the
950 statutory maximums for the offenses committed, is appropriate.
951 When the total sentence points exceeds 44 points, the lowest
952 permissible sentence in prison months shall be calculated by
953 subtracting 28 points from the total sentence points and
954 decreasing the remaining total by 25 percent. The total sentence
955 points shall be calculated only as a means of determining the
956 lowest permissible sentence. The permissible range for
957 sentencing shall be the lowest permissible sentence up to and
958 including the statutory maximum, as defined in s. 775.082, for
959 the primary offense and any additional offenses before the court
960 for sentencing. The sentencing court may impose such sentences
961 concurrently or consecutively. However, any sentence to state
962 prison must exceed 1 year. If the lowest permissible sentence
963 under the code exceeds the statutory maximum sentence as
964 provided in s. 775.082, the sentence required by the code must
965 be imposed. If the total sentence points are greater than or
966 equal to 363, the court may sentence the offender to life
967 imprisonment. An offender sentenced to life imprisonment under

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968 this section is not eligible for any form of discretionary early
969 release, except executive clemency or conditional medical
970 release under s. 947.149.

971 (3) A single scoresheet shall be prepared for each
972 defendant to determine the permissible range for the sentence
973 that the court may impose, except that if the defendant is
974 before the court for sentencing for more than one felony and the
975 felonies were committed under more than one version or revision
976 of the guidelines or the code, separate scoresheets must be
977 prepared. The scoresheet or scoresheets must cover all the
978 defendant's offenses pending before the court for sentencing.
979 The state attorney shall prepare the scoresheet or scoresheets,
980 which must be presented to the defense counsel for review for
981 accuracy in all cases unless the judge directs otherwise. The
982 defendant's scoresheet or scoresheets must be approved and
983 signed by the sentencing judge.

984 (4) The Department of Corrections, in consultation with the
985 Office of the State Courts Administrator, state attorneys, and
986 public defenders, must develop and submit the revised Criminal
987 Punishment Code scoresheet to the Supreme Court for approval by
988 June 15 of each year, as necessary. Upon the Supreme Court's
989 approval of the revised scoresheet, the Department of
990 Corrections shall produce and provide sufficient copies of the
991 revised scoresheets by September 30 of each year, as necessary.
992 Scoresheets must include item entries for the scoresheet
993 preparer's use in indicating whether any prison sentence imposed
994 includes a mandatory minimum sentence or the sentence imposed
995 was a downward departure from the lowest permissible sentence
996 under the Criminal Punishment Code.

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997 (5) The Department of Corrections shall distribute
998 sufficient copies of the Criminal Punishment Code scoresheets to
999 those persons charged with the responsibility for preparing
1000 scoresheets.

1001 (6) The clerk of the circuit court shall transmit a
1002 complete, accurate, and legible copy of the Criminal Punishment
1003 Code scoresheet used in each sentencing proceeding to the
1004 Department of Corrections. Scoresheets must be transmitted no
1005 less frequently than monthly, by the first of each month, and
1006 may be sent collectively.

1007 (7) A sentencing scoresheet must be prepared for every
1008 defendant who is sentenced for a felony offense. A copy of the
1009 individual offender's Criminal Punishment Code scoresheet and
1010 any attachments thereto prepared pursuant to Rule 3.701, Rule
1011 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
1012 any other rule pertaining to the preparation and submission of
1013 felony sentencing scoresheets, must be attached to the copy of
1014 the uniform judgment and sentence form provided to the
1015 Department of Corrections.

1016 Section 10. Paragraph (a) of subsection (1), paragraph (a)
1017 of subsection (11), and paragraph (b) of subsection (14) of
1018 section 943.0435, Florida Statutes, are amended to read:

1019 943.0435 Sexual offenders required to register with the
1020 department; penalty.—

1021 (1) As used in this section, the term:

1022 (a)1. "Sexual offender" means a person who meets the
1023 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1024 subparagraph c., or sub-subparagraph d., as follows:

1025 a.(I) Has been convicted of committing, or attempting,

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1026 soliciting, or conspiring to commit, any of the criminal
1027 offenses proscribed in the following statutes in this state or
1028 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1029 or s. 787.025(2)(c), where the victim is a minor and the
1030 defendant is not the victim's parent or guardian; s.
1031 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1032 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1033 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1034 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1035 or s. 985.701(1); or any similar offense committed in this state
1036 which has been redesignated from a former statute number to one
1037 of those listed in this sub-sub-subparagraph; and

1038 (II) Has been released on or after October 1, 1997, from
1039 the sanction imposed for any conviction of an offense described
1040 in sub-sub-subparagraph (I). For purposes of sub-sub-
1041 subparagraph (I), a sanction imposed in this state or in any
1042 other jurisdiction includes, but is not limited to, a fine,
1043 probation, community control, parole, conditional release,
1044 control release, or incarceration in a state prison, federal
1045 prison, private correctional facility, or local detention
1046 facility;

1047 b. Establishes or maintains a residence in this state and
1048 who has not been designated as a sexual predator by a court of
1049 this state but who has been designated as a sexual predator, as
1050 a sexually violent predator, or by another sexual offender
1051 designation in another state or jurisdiction and was, as a
1052 result of such designation, subjected to registration or
1053 community or public notification, or both, or would be if the
1054 person were a resident of that state or jurisdiction, without

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1055 regard to whether the person otherwise meets the criteria for
1056 registration as a sexual offender;

1057 c. Establishes or maintains a residence in this state who
1058 is in the custody or control of, or under the supervision of,
1059 any other state or jurisdiction as a result of a conviction for
1060 committing, or attempting, soliciting, or conspiring to commit,
1061 any of the criminal offenses proscribed in the following
1062 statutes or similar offense in another jurisdiction: s. 787.01,
1063 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1064 the defendant is not the victim's parent or guardian; s.
1065 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1066 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1067 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1068 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1069 or s. 985.701(1); or any similar offense committed in this state
1070 which has been redesignated from a former statute number to one
1071 of those listed in this sub-subparagraph; or

1072 d. On or after July 1, 2007, has been adjudicated
1073 delinquent for committing, or attempting, soliciting, or
1074 conspiring to commit, any of the criminal offenses proscribed in
1075 the following statutes in this state or similar offenses in
1076 another jurisdiction when the juvenile was 14 years of age or
1077 older at the time of the offense:

1078 (I) Section 794.011, excluding s. 794.011(10);

1079 (II) Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim
1080 is under 12 years of age or where the court finds sexual
1081 activity by the use of force or coercion;

1082 (III) Section 800.04(5)(c)1. where the court finds
1083 molestation involving unclothed genitals; or

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1084 (IV) Section 800.04(5)(d) where the court finds the use of
1085 force or coercion and unclothed genitals.

1086 2. For all qualifying offenses listed in sub-subparagraph
1087 (1)(a)1.d., the court shall make a written finding of the age of
1088 the offender at the time of the offense.

1089
1090 For each violation of a qualifying offense listed in this
1091 subsection, the court shall make a written finding of the age of
1092 the victim at the time of the offense. For a violation of s.
1093 800.04(4), the court shall additionally make a written finding
1094 indicating that the offense did or did not involve sexual
1095 activity and indicating that the offense did or did not involve
1096 force or coercion. For a violation of s. 800.04(5), the court
1097 shall additionally make a written finding that the offense did
1098 or did not involve unclothed genitals or genital area and that
1099 the offense did or did not involve the use of force or coercion.

1100 (11) Except as provided in s. 943.04354, a sexual offender
1101 must maintain registration with the department for the duration
1102 of his or her life, unless the sexual offender has received a
1103 full pardon or has had a conviction set aside in a
1104 postconviction proceeding for any offense that meets the
1105 criteria for classifying the person as a sexual offender for
1106 purposes of registration. However, a sexual offender:

1107 (a)1. Who has been lawfully released from confinement,
1108 supervision, or sanction, whichever is later, for at least 25
1109 years and has not been arrested for any felony or misdemeanor
1110 offense since release, provided that the sexual offender's
1111 requirement to register was not based upon an adult conviction:

1112 a. For a violation of s. 787.01 or s. 787.02;

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1113 b. For a violation of s. 794.011, excluding s. 794.011(10);
1114 c. For a violation of s. 800.04(4)(a)2. ~~s. 800.04(4)(b)~~
1115 where the court finds the offense involved a victim under 12
1116 years of age or sexual activity by the use of force or coercion;
1117 d. For a violation of s. 800.04(5)(b);
1118 e. For a violation of s. 800.04(5)c.2. where the court
1119 finds the offense involved unclothed genitals or genital area;
1120 f. For any attempt or conspiracy to commit any such
1121 offense; or
1122 g. For a violation of similar law of another jurisdiction,
1123
1124 may petition the criminal division of the circuit court of the
1125 circuit in which the sexual offender resides for the purpose of
1126 removing the requirement for registration as a sexual offender.
1127 2. The court may grant or deny relief if the offender
1128 demonstrates to the court that he or she has not been arrested
1129 for any crime since release; the requested relief complies with
1130 the provisions of the federal Adam Walsh Child Protection and
1131 Safety Act of 2006 and any other federal standards applicable to
1132 the removal of registration requirements for a sexual offender
1133 or required to be met as a condition for the receipt of federal
1134 funds by the state; and the court is otherwise satisfied that
1135 the offender is not a current or potential threat to public
1136 safety. The state attorney in the circuit in which the petition
1137 is filed must be given notice of the petition at least 3 weeks
1138 before the hearing on the matter. The state attorney may present
1139 evidence in opposition to the requested relief or may otherwise
1140 demonstrate the reasons why the petition should be denied. If
1141 the court denies the petition, the court may set a future date

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1142 at which the sexual offender may again petition the court for
1143 relief, subject to the standards for relief provided in this
1144 subsection.

1145 3. The department shall remove an offender from
1146 classification as a sexual offender for purposes of registration
1147 if the offender provides to the department a certified copy of
1148 the court's written findings or order that indicates that the
1149 offender is no longer required to comply with the requirements
1150 for registration as a sexual offender.

1151 (14)

1152 (b) However, a sexual offender who is required to register
1153 as a result of a conviction for:

1154 1. Section 787.01 or s. 787.02 where the victim is a minor
1155 and the offender is not the victim's parent or guardian;

1156 2. Section 794.011, excluding s. 794.011(10);

1157 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the court
1158 finds the offense involved a victim under 12 years of age or
1159 sexual activity by the use of force or coercion;

1160 4. Section 800.04(5)(b);

1161 5. Section 800.04(5)(c)1. where the court finds molestation
1162 involving unclothed genitals or genital area;

1163 6. Section 800.04(5)c.2. where the court finds molestation
1164 involving unclothed genitals or genital area;

1165 7. Section 800.04(5)(d) where the court finds the use of
1166 force or coercion and unclothed genitals or genital area;

1167 8. Any attempt or conspiracy to commit such offense; or

1168 9. A violation of a similar law of another jurisdiction,

1169

1170 must reregister each year during the month of the sexual

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1171 offender's birthday and every third month thereafter.

1172 Section 11. Paragraph (b) of subsection (13) of section
1173 944.607, Florida Statutes, is amended to read:

1174 944.607 Notification to Department of Law Enforcement of
1175 information on sexual offenders.—

1176 (13)

1177 (b) However, a sexual offender who is required to register
1178 as a result of a conviction for:

1179 1. Section 787.01 or s. 787.02 where the victim is a minor
1180 and the offender is not the victim's parent or guardian;

1181 2. Section 794.011, excluding s. 794.011(10);

1182 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim is
1183 under 12 years of age or where the court finds sexual activity
1184 by the use of force or coercion;

1185 4. Section 800.04(5)(b);

1186 5. Section 800.04(5)(c)1. where the court finds molestation
1187 involving unclothed genitals or genital area;

1188 6. Section 800.04(5)c.2. where the court finds molestation
1189 involving unclothed genitals or genital area;

1190 7. Section 800.04(5)(d) where the court finds the use of
1191 force or coercion and unclothed genitals or genital area;

1192 8. Any attempt or conspiracy to commit such offense; or

1193 9. A violation of a similar law of another jurisdiction,
1194

1195 must reregister each year during the month of the sexual
1196 offender's birthday and every third month thereafter.

1197 Section 12. Paragraph (e) is added to subsection (4) of
1198 section 944.275, Florida Statutes, to read:

1199 944.275 Gain-time.—

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1200 (4)

1201 (e) Notwithstanding subparagraph (b)3., for sentences
1202 imposed for offenses committed on or after October 1, 2014, the
1203 department may not grant incentive gain-time if the offense is a
1204 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
1205 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1206 800.04; s. 825.1025; or s. 847.0135(5).

1207 Section 13. Subsections (13) and (14) are added to section
1208 947.1405, Florida Statutes, to read:

1209 947.1405 Conditional release program.—

1210 (13) If a person who is transferred to the custody of the
1211 Department of Children and Families pursuant to part V of
1212 chapter 394 is subject to conditional release supervision, the
1213 period of conditional release supervision is tolled until such
1214 person is no longer in the custody of the Department of Children
1215 and Families. This subsection applies to all periods of
1216 conditional release supervision which begin on or after October
1217 1, 2014, regardless of the date of the underlying offense.

1218 (14) Effective for a releasee whose crime was committed on
1219 or after October 1, 2014, in violation of chapter 794, s.
1220 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
1221 to any other provision of this section, the commission must
1222 impose a condition prohibiting the releasee from viewing,
1223 accessing, owning, or possessing any obscene, pornographic, or
1224 sexually stimulating visual or auditory material unless
1225 otherwise indicated in the treatment plan provided by a
1226 qualified practitioner in the sexual offender treatment program.
1227 Visual or auditory material includes, but is not limited to,
1228 telephone, electronic media, computer programs, and computer

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1229 services.

1230 Section 14. Subsection (1) of section 948.012, Florida
1231 Statutes, is amended, and subsections (5) and (6) are added to
1232 that section, to read:

1233 948.012 Split sentence of probation or community control
1234 and imprisonment.—

1235 (1) ~~If Whenever~~ punishment by imprisonment for a
1236 misdemeanor or a felony, except for a capital felony, is
1237 prescribed, the court, ~~in its discretion,~~ may, at the time of
1238 sentencing, impose a split sentence whereby the defendant is to
1239 be placed on probation or, with respect to any such felony, into
1240 community control upon completion of any specified period of
1241 such sentence which may include a term of years or less. In such
1242 case, the court shall stay and withhold the imposition of the
1243 remainder of sentence imposed upon the defendant and direct that
1244 the defendant be placed upon probation or into community control
1245 after serving such period as may be imposed by the court. Except
1246 as provided in subsection (6), the period of probation or
1247 community control shall commence immediately upon the release of
1248 the defendant from incarceration, whether by parole or gain-time
1249 allowances.

1250 (5) (a) Effective for offenses committed on or after October
1251 1, 2014, if the court imposes a term of years in accordance with
1252 s. 775.082 which is less than the maximum sentence for the
1253 offense, the court must impose a split sentence pursuant to
1254 subsection (1) for any person who is convicted of a violation
1255 of:

1256 1. Section 782.04(1)(a)2.c.;

1257 2. Section 787.01(3)(a)2. or 3.;

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1258 3. Section 787.02(3)(a)2. or 3.;

1259 4. Section 794.011, excluding s. 794.011(10);

1260 5. Section 800.04;

1261 6. Section 825.1025; or

1262 7. Section 847.0135(5).

1263 (b) The probation or community control portion of the split
1264 sentence imposed by the court must extend for at least 2 years.
1265 However, if the term of years imposed by the court extends to
1266 within 2 years of the maximum sentence for the offense, the
1267 probation or community control portion of the split sentence
1268 must extend for the remainder of the maximum sentence.

1269 (6) If a defendant who has been sentenced to a split
1270 sentence pursuant to subsection (1) is transferred to the
1271 custody of the Department of Children and Families pursuant to
1272 part V of chapter 394, the period of probation or community
1273 control is tolled until such person is no longer in the custody
1274 of the Department of Children and Families. This subsection
1275 applies to all sentences of probation or community control which
1276 begin on or after October 1, 2014, regardless of the date of the
1277 underlying offense.

1278 Section 15. Subsection (5) is added to section 948.30,
1279 Florida Statutes, to read:

1280 948.30 Additional terms and conditions of probation or
1281 community control for certain sex offenses.—Conditions imposed
1282 pursuant to this section do not require oral pronouncement at
1283 the time of sentencing and shall be considered standard
1284 conditions of probation or community control for offenders
1285 specified in this section.

1286 (5) Effective for a probationer or community controllee

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1287 whose crime was committed on or after October 1, 2014, and who
1288 is placed on probation or community control for a violation of
1289 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
1290 847.0145, in addition to all other conditions imposed, the court
1291 must impose a condition prohibiting the probationer or community
1292 controllee from viewing, accessing, owning, or possessing any
1293 obscene, pornographic, or sexually stimulating visual or
1294 auditory material unless otherwise indicated in the treatment
1295 plan provided by a qualified practitioner in the sexual offender
1296 treatment program. Visual or auditory material includes, but is
1297 not limited to, telephone, electronic media, computer programs,
1298 and computer services.

1299 Section 16. Section 948.31, Florida Statutes, is amended to
1300 read:

1301 948.31 Evaluation and treatment of sexual predators and
1302 offenders on probation or community control.—~~The court may shall~~
1303 ~~require an evaluation by a qualified practitioner to determine~~
1304 ~~the need of a probationer or community controllee for treatment.~~
1305 ~~If the court determines that a need therefor is established by~~
1306 ~~the evaluation process, the court shall require sexual offender~~
1307 ~~treatment as a term or condition of probation or community~~
1308 ~~control for any probationer or community controllee person who~~
1309 is required to register as a sexual predator under s. 775.21 or
1310 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
1311 undergo an evaluation, at the probationer or community
1312 controllee's expense, by a qualified practitioner to determine
1313 whether such probationer or community controllee needs sexual
1314 offender treatment. If the qualified practitioner determines
1315 that sexual offender treatment is needed and recommends

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1316 treatment, the probationer or community controllee must
1317 successfully complete and pay for the treatment. Such treatment
1318 must ~~shall be required to~~ be obtained from a qualified
1319 practitioner as defined in s. 948.001. Treatment may not be
1320 administered by a qualified practitioner who has been convicted
1321 or adjudicated delinquent of committing, or attempting,
1322 soliciting, or conspiring to commit, any offense that is listed
1323 in s. 943.0435(1)(a)1.a.(I). ~~The court shall impose a~~
1324 ~~restriction against contact with minors if sexual offender~~
1325 ~~treatment is recommended. The evaluation and recommendations for~~
1326 ~~treatment of the probationer or community controllee shall be~~
1327 ~~provided to the court for review.~~

1328 Section 17. If any provision of this act or its application
1329 to any person or circumstance is held invalid, the invalidity
1330 does not affect other provisions or applications of this act
1331 which can be given effect without the invalid provision or
1332 application, and to this end the provisions of this act are
1333 severable.

1334 Section 18. This act shall take effect October 1, 2014.